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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,074	01/16/2001	Geert Arnout Awater	8-35	5052

7590 05/05/2004

Docket Administrator (Room 3C-512)
Lucent Technologies Inc.
600 Mountain Avenue
P. O. Box 636
Murray Hill, NJ 07974-0636

EXAMINER

KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

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DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,074

Applicant(s)

AWATER ET AL

Examiner

Joshua Kading

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-19 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 20-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 Claims 1-5, 11-18, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaisanen et al. (U.S. Patent 6,560,443 B1).

 Regarding claims 1 and 14, Vaisanen discloses a device and a method
"incorporating a first radio system operating at a first range of frequencies of operation
20 (figure 1, element 12 and connecting items operate as specified in col. 6, lines 54-66)
and a second radio system operating at a second range of frequencies of operation
(figure 2, element 11 and connecting items operate as specified in col. 6, lines 54-55),
wherein at least a part of said first and second range of frequencies overlap (col. 6, lines
54-55), wherein the device further comprises a control means adapted to control the
25 first and second radio systems such that such that only one or the other radio system
may transmit at any one time (figure 1, element 14 and its function read in col. 6, lines
66-67 and col. 7, lines 1-5)."

Regarding claims 2 and 15, Vaisanen discloses the device of claim 1 and the method of claim 14. Vaisanen further discloses "the first radio system is a Bluetooth system and the second radio system is an IEEE 802.11 system (col. 6, lines 43 and
5 65)."

Regarding claims 3 and 16, Vaisanen discloses the device of claim 2 and the method of claim 15. Vaisanen further discloses "the device is additionally controlled such that when one device is transmitting the other device cannot receive or transmit
10 (col. 5, lines 32-34)."

Regarding claims 4 and 17, Vaisanen discloses the device of claim 3 and the method of claim 16. Vaisanen further discloses "the device is additionally controlled such that when one device is receiving the other device cannot receive or transmit (col.
15 5, lines 32-34)."

Regarding claims 5 and 18, Vaisanen discloses the device of claim 2 and the method of claim 15. Vaisanen further discloses "the control means comprises a switching means adapted to switch on and off the first and second radio systems (figure
20 1, elements SW1 and SW2)."

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Regarding claims 11 and 23, Vaisanen discloses the device of claim 2 and the method of claim 15. Vaisanen further discloses "the control means prevents transmission of IEEE 802.11 packets during a Bluetooth ACL packet transmission (col. 5, lines 32-34)."

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Regarding claims 12 and 24, Vaisanen discloses the device of claim 2 and the method of claim 15. Vaisanen further discloses "the control means prevents transmission of Bluetooth ACL packets during an IEEE 802.11 packet transmission (col. 5, lines 32-34)."

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Regarding claims 13 and 25, Vaisanen discloses the device of claim 12 and the method of claim 24. Vaisanen further discloses "the first and second radio systems share a common physical layer (figure 1, elements SW1 and SW2)."

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6, 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaisanen in view of applicant's admitted prior art (AAPA).

Regarding claim 6, Vaisanen discloses the device of claim 2. However, Vaisanen lacks what AAPA discloses, that is "the control means comprises a multiplexing means adapted to time multiplex transmissions from the first and second radio systems (page 3, lines 23-25 of the specification when taken in combination with Vaisanen suggests that since neither system can transmit at the same time, each gets a certain amount of time to transmit and this is split up over a larger time period, i.e. the transmitting of the signals from each system must be time multiplexed together as per the technology of Bluetooth and by the nature of the transmission requirements of Vaisanen)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the time multiplex transmissions with the device of claim 2 for the purpose of allowing both systems to transmit data. The motivation being that multiplexing different systems allows more systems to use a communication channel thus increasing its efficiency in terms of sharing of resources.

Regarding claims 7 and 19, Vaisanen discloses the device of claim 2 and the method of claim 15. However, Vaisanen lacks what AAPA discloses, that is "the control means comprises a multiplexing means adapted to time multiplex transmissions from the Bluetooth and IEEE 802.11 radio systems, the IEEE 802.11 and Bluetooth transmissions being multiplexed into Bluetooth time-slots (page 3, lines 23-25 of the specification when taken in combination with Vaisanen suggests that since neither system can transmit at the same time, each gets a certain amount of time to transmit

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and this is split up over a larger time period, i.e. the transmitting of the signals from each system must be time multiplexed together as per the technology of Bluetooth and by the nature of the transmission requirements of Vaisanen)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the time multiplex

5 transmissions with the device of claim 2 and the system of claim 15 for the purpose of allowing both systems to transmit data. The motivation being that multiplexing different systems allows more systems to use a communication channel thus increasing its efficiency in terms of sharing of resources.

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Allowable Subject Matter

Claims 8-10 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

10 April 30, 2004



KENNETH VANDERPUYE
PRIMARY EXAMINER